IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3145 OF 2006

Mumbai Port Trust Dock and General Employees Union ..Petitioner

V/s.

Union of India and ors ..Respondents

Mr.Jaiprakash, advocate for the petitioner
Mr.H.V.Mulla, advocate for the respondent No.1
Mr.R.S.Pai i/b. M/s.Mulla and Mulla for the respondent No.2

CORAM : S.B.MHASE &
R.S.MOHITE, JJ.

DATE : 24TH APRIL, 2007

ORAL JUDGMENT : (Per S.B.MHASE, J.)

1. Heard. Rule.

2. Rule returanable forthwith.

3. The dispute of the petitioner with the respondent management was on the point as to

whether age of retirement is 60 years and/or 58 years. According to the petitioner, the age of retirement is 60 years while, according to the respondent management, the age of retirement is 58 years and the management has retired the petitioner on 28th February, 2005 on completion of age of 58 years. Therefore, the dispute is as to whether what is the age of retirement i.e. Whether 58 or 60 years. If it is decided to be 60 years then the petitioner is entitled for re-instatement and/or wages in lieu of re-instatement. If he fails to establish that the age of retirement is 60 years, then the industrial dispute will fail but this adjudication takes place. There exists industrial dispute in respect of the industrial matters. Therefore, the respondent ought not to have dealt with this matter and should have only looked into the facts. We find that an industrial dispute exists between the parties. Without going much into the matter, we find that the petition needs to be allowed and therefore, rule is made absolute in

terms of prayer clauses (a) and (b) with no order as to costs.

(**R.S.MOHITE, J.**) (**S.B.MHASE, J.**)